

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
*Norfolk Division*

UNITED STATES OF AMERICA,

v.

CRIMINAL NO. 2:23-cr-129

MAXIMO ZACARIAS,  
ISMAEL ALEXIS MARTINEZ, and  
BERNACIO SOLARES RAMON,

Defendants.

**DECLARATION OF COAST GUARD OFFICIAL**

I, Madison Garvin, of the United States Coast Guard, make the following declaration under 28 U.S.C. § 1746:

1. I serve in the United States Coast Guard and am familiar with the preparation and retention of official U.S. Coast Guard investigative reports such as the one prepared at or near the time of the investigation in this case.

2. On September 27, 2023, while on routine patrol in the Eastern Pacific, a maritime patrol aircraft (MPA) located a target of interest, described as a GFV suspected of illicit maritime activity, reasonably suspected without nationality, and displaying no indicia of nationality, and located in international waters approximately 97 nautical miles southwest of the Malpelo, Columbia.

3. Tactical control was shifted from JIATF-S to Coast Guard District 11. The USCGC JAMES (JAM) was patrolling nearby and diverted to intercept the GFV. USCGC JAMES requested authority from USCG D11 (RADM Andrew M Sugimoto, Commander, Eleventh Coast Guard District), who granted a SNO (Statement of No Objection) to interdict the vessel, that was reasonably suspected of illicit maritime activity. Pursuant to authority, the JAM launched a

helicopter which fired warning shots and disabling fire, rendering the GFV disabled. Then members of the USCGC JAMES boarding team boarded the GFV and identified three members onboard and removed all three persons onboard the GFV for officer and persons on board safety due to the vessel being on fire.

4. A Master of the GFV, Maximo ZACARIAS, age 42, was later identified and no claim of nationality for the vessel was made by him. In addition, two crew members, Ismael ALEXIS MARTINEZ, ag 28, and Bernacio SOLARES RAMON, age 30, were identified.

5. The GFV had no physical flag flown, no registration documents, potential registration numbers on the hull (CP01-07-65), no homeport on the hull, and a name on the hull (EL TANQUE).

6. Based on boarding results and marking on the hull consistent with the Country of CO (Colombia) registration format, US Coast Guard District 11 (Captain James O'Mara, District 11 Response Enforcement Chief) authorized the enactment of the US/CO Bilateral Agreement and USCG D11 conducted forms exchange. The Country of CO responded that it could neither confirm nor deny the vessel's nationality. Captain O'Mara then granted an SNO to treat the vessel without nationality. The vessel satisfied the requirements of 46 U.S.C. §§ 70502, 70502(d), and 70504(a), which defines a vessel without nationality subject to the jurisdiction of the United States and this Court.

7. Boarding personnel from JAM located and were authorized by USCG D11 to recover seventy-four (74) bales from the GFV containing approximately four thousand six hundred and ten (4,610) pounds (at sea weight) of marihuana, a Schedule I controlled substance. Personnel conducted field tests which yielded positive result for marihuana. USCG D11 also authorized

detention of the three persons found on board with the contraband. D11 Captain O'Mara authorized sinking the vessel as a hazard to navigation.

8. The JAM shifted from USCG D11 to JIATF-S for tactical command and control (TACON), and all crew members found aboard the GFV were detained for transfer for prosecution in accordance with 46 U.S.C. § 70503(b)(2).

9. At or near the aforementioned events, an official Coast Guard case report was prepared, a law enforcement case package checklist, witness statements of key Coast Guard personnel involved in the investigation including boarding team members and HITRON crew. Exhibit 2 – Statements of Coast Members, prepared at or near the time of the investigation, was included in this official case report prepared in accordance with U.S. Coast Guard procedures.

I declare under penalty of perjury that the foregoing is true and correct. Executed at the United States Coast Guard, on this 7 of August 2024.

By:

GARVIN.MADISON.M  
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